

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Wicklow County

Planning Register Reference Number: 15/1304

An Bord Pleanála Reference Number: PL 27.247221

APPEAL by Paddy Lavelle and others care of Jordana Corrigan of The Management Suite, 41 Clearwater Court North, Royal Canal Park, Dublin against the decision made on the 9th day of August, 2016 by Wicklow County Council to grant subject to conditions a permission to Lusra Teoranta care of Molloy Architecture and Design Studio of 9 McCurtain Street, Gorey, County Wexford in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of a Neighbourhood Centre which will consist of the following: (a) the construction of a single storey crèche/childcare facility with associated works and outdoor play areas, (b) the construction of a two storey structure consisting of two number retail units and office spaces at ground floor level with community hall at first floor, (c) communal car parking, landscaping works and drop off area, (d) ancillary boundary treatment works, (e) access from the proposed link road lodged under a concurrent application and (f) connection to public services at Ballynerrin (E.D. Wicklow Rural), County Wicklow, as amended by the further information received by the planning authority on the 20th day of April, 2016.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the zoning objectives for the site and the policies and objectives as set out in the current development plan for the area including the Marlton Action Area Plan, it is considered that, the proposed development, having particular regard to the scale, design and mix of uses and proposed vehicular and pedestrian links between development and adjoining lands, and subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would not impact on the vitality and viability of Wicklow Town centre and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. (a) The proposed development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on 20th day of April 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.
- (b) The crèche/childcare facility with associated works and outdoor play areas and drop off area are not permitted as part of the proposed development.

Reason: In the interest of clarity.

2. The neighbourhood centre shall not be occupied until the link road permitted under planning register reference number 15/1116 has been fully completed.

Reason: In the interests of orderly development.

3. The proposed development shall be amended as follows:
 - (a) Cycle parking in compliance with the standards set down under Table 9.2 of the Wicklow-Rathnew Development Plan shall be provided on site.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: In the interest of public health and to ensure a proper standard of development.

5. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development

Reason: In the interest of orderly development and the visual amenities of the area.

6. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development, together with details of the proposed shop fronts, elevation treatments, signage and lighting shall be submitted to the planning authority for agreement.

Reason: In the interest of visual amenity.

7. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

9. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

11. The developer shall pay to the planning authority a financial contribution of €23,634 (twenty three thousand, six hundred and thirty four euro) in respect of the construction of the Wicklow Port Access and Town Relief Road in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017.